

9/935,918

REMARKS

The present response is filed in reply to the Final Office Action of March 22, 2004 and within two months of the mailing date of the Final Office Action. The Applicant respectfully requests entry of the following remarks and amendments before reconsideration of the present Application and the allowance of the present Application in view of the following marks and amendments, or, in the alternative, an Advisory Action if deemed necessary by the Examiner.

Claims 21-40 are presently pending in the Application and the Examiner has sustained the previous rejection of claims 21-40 under 35 U.S.C. § 102(b) as being anticipated by Shicara et al. 444. The Applicant acknowledges and respectfully traverses the raised rejection in view of the following remarks.

First, it must be noted that in the preceding Office Action mailed September 18, 2003 the Examiner stated in paragraph 5 thereof that claim 13 was allowable over the cited prior art for the reasons stated therein if amended to overcome the stated grounds for rejection under 35 U.S.C. § 112 and if rewritten in independent form including all limitations of the base claim and any intervening claims.

In the Response to the Office Action of September 18, 2003, the Applicant amended claim 13 to overcome the stated grounds for rejection under 35 U.S.C. § 112 and to present claim 13 in independent form, including all limitations of the base claim and any intervening claims, including renumbering claim 13 to be claim 33 in conformance with other claim amendments submitted in the Response to the Office Action of September 18, 2003. These amendments to claim 13 were discussed at, for example, page 10 of the Response wherein the Applicant stated that:

The Applicant thanks the Examiner for indicating that claim 13 would be allowable and, in accordance with this indication, the claim 13 is appropriately revised and rewritten in independent form including all limitations of the base claim and any intervening claims and claim 13 is now believed to be allowable.

and at page 11 wherein the Applicant stated that:

8/7/04 4:14 PM

- 4 -

9/935,918

For example, and as already stated by the Examiner with respect to claim 13 (now new claim 33), Shidara '444 does not teach, suggest or disclose a master controller generating a next step identifier to each device controller in response to each of the plurality of device controllers completing execution of a device step of their respective device processes.

The Applicant, therefore, assumes that the rejection of claim 33 in the Final Office Action of March 22, 2004, over narrower prior art than was cited in the Office Action of September 18, 2003, is an oversight arising from the renumbering of the amended claim 13 as new claim 33. It is, therefore, the belief and position of the Applicant that claim 33, which was previously number claim 13 before the above noted amendment, is thereby allowable in accordance with the Examiner's statements in the Office Action of September 18, 2003 and the Applicant accordingly respectfully requests that the Examiner find claim 33 to be presently allowable in accordance with the Examiner's holding in the Office Action of September 18, 2003.

In addition, the Applicant further considered the continuing rejection of claims 21-32 and 34-40 over Shidara et al. '444 in light of the Examiner's remarks in the Office Action of September 18, 2003 that:

the prior art of record (which includes Shidara et al. '444) does not teach or fairly suggest having the master controller generate a "next step identifier" in response to each of the process devices completing a device step of its corresponding process and having the master controller send the "next step execute identifier" to the device controllers in combination with the remaining elements and features of the claimed invention. This feature would not have been obvious to one of ordinary skill in the art at the time of the invention

In view of these statements by the Examiner, the Applicant submits the above amendments to claims 21-32 and 34-40 for the purposes of focusing the claims of the present Application more explicitly on essential aspects of the present invention and of thereby expediting prosecution and allowance of the present Application. In order to expedite

9/935,918

prosecution of this case, the Applicant hereby cancels claims 21-32 and 34-40 from present consideration and submits, as a replacement therefor, new claim 41 which is similar in scope and subject matter to the amended claim 13, now identified as claim 33, but which is composed essentially of the subject matter of original claims 11 and 13. New claim 41 is thereby directed to the subject matter deemed allowable by the Examiner in the Office Action of September 18, 2003, but without adding any new subject matter to the Application or present claims and without modifying or extending the subject matter of the claims.

It should be noted, however, that the amendments submitted herein above are not submitted as and should not be taken as or understood to be an admission of the relevance or validity of the teachings of the cited prior art to the described and claimed invention, but are presented solely to expedite prosecution and allowance of the present Application, and that the Applicant maintains the previously discussed and submitted distinctions of the present invention over the cited prior art, including Shidara et al. '444, which should be taken as incorporated by reference into the present Response After Final.

It is, therefore, the belief and position of the Applicant that both claim 33 and new claim 41 are patentably distinguished over the cited prior art, including Shidara et al. '444, under the requirements and provisions of 35 U.S.C. § 102 and § 103 and that any potential rejection(s) under 35 U.S.C. § 112 have been met and overcome in either the previous amendments to claim 33 and in the drafting of new claim 41. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all present and potential rejection(s) of claim 33 and new claim 41, and the allow claims 33 and 41 as presented herein.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the

5/7/04 4:39 PM

- 6 -

BEST AVAILABLE COPY

9/935,918

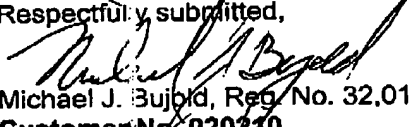
Shidara et al. '444 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please change the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

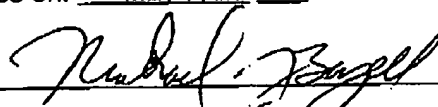
Telephone: 603-624-9220

Facsimile: 603-624-9229

E-mail: patent@davisandbujold.com

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on: May 7, 2004



Michael J. Bujold

5/7/04 4:14 PM

- 7 -